

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
ALMETA HOWELL,

Index No.: 30561/08

Plaintiff,

*Notice of Removal*

-against-

MARRIOTT INTERNATIONAL d/b/a WESTCHESTER  
MARRIOTT,


Defendant.  
-----X

**TO: SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX**

PLEASE TAKE NOTICE that, on the 22<sup>nd</sup> day of July, 2008, the defendant, MARRIOTT INTERNATIONAL d/b/a WESTCHESTER MARRIOTT, filed a Petition for Removal of this action from the Supreme Court, Bronx County to the United States District Court, Southern District of New York, pursuant to 28 U.S.C.A. 1446(a), a copy of which is annexed hereto as Exhibit "A".

Dated: New York, New York  
July 22, 2008

CAMACHO MAURO MULHOLLAND, LLP

  
\_\_\_\_\_  
Andrea Sacco Camacho, Esq.  
Attorneys for Defendant  
350 Fifth Avenue - Suite 5101  
New York, New York 10118  
(212) 947-4999  
Our File No.: MRTTY-2066-A

To: (See Affidavit attached)



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ALMETA HOWELL,

Plaintiff,

*Petition for Removal*

-against-

MARRIOTT INTERNATIONAL d/b/a WESTCHESTER  
MARRIOTT,

Defendant.  
-----X

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT  
COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

The Petitioner, Marriott International d/b/a Westchester Marriot (hereinafter referred to as ("Marriott")), the defendant in this action, by its attorneys, Camacho Mauro Mulholland, LLP, respectfully shows this Court:

1. The Petitioner is the defendant in the instant action.
2. An action was commenced by Summons and Complaint dated June 18, 2008, against the Petitioner in the Supreme Court, County of Bronx, entitled *Almeta Howell v. Marriott International d/b/a Westchester Marriott*. A copy of the Summons and Complaint is annexed hereto as Exhibit "A".
3. This Summons and Complaint was received by Marriott International d/b/a Westchester Marriot by hand on June 30, 2008.
4. The above described action is one in which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332, and is one that may be removed to this Court by Petitioner, the defendant herein, pursuant to the provision of 28 U.S.C. §1441, in that it is a civil action and the plaintiff alleges that the matter in controversy exceeds the


value of \$75,000.00 (seventy-five thousand dollars) exclusive of interest and costs, and is between citizens of different states.

5. The plaintiff resides in the State of New York, County of Bronx. Petitioner, Marriott International d/b/a Westchester Marriot, at the time the action was commenced, was and still is a corporation organized exclusively under the laws of the State of Delaware and having its principal place of business in Bethesda, Maryland.

WHEREFORE, petitioner Marriott International d/b/a Westchester Marriot, prays that the action now pending against it in the Supreme Court of the State of New York, County of Bronx, be removed therefrom to the United States District Court for the Southern District of New York, and for such other and further relief this Court deems just and proper.

Dated: New York, New York  
July 22, 2008

CAMACHO MAURO MULHOLLAND, LLP

  
\_\_\_\_\_  
Andrea Sacco Camacho, Esq. (AES-5719)  
Attorneys for Defendant  
350 Fifth Avenue - Suite 5101  
New York, New York 10118  
(212) 947-4999  
Our File No.: MRTTY-2066-A

To: (See Affidavit attached)

STATE OF NEW YORK )  
COUNTY OF NEW YORK ) ss:

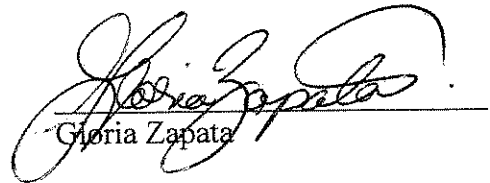
Gloria Zapata, being duly sworn, deposes and says:

That I am not a party to the within action, am over 18 years of age and reside in Brooklyn, New York.

That on 22<sup>nd</sup> day of July, 2008, deponent served the within **Petition for Removal** upon the attorneys/individuals listed below, at his/her/its addresses which were so designated by said attorneys for said purpose, by depositing a true copy of same enclosed in a post paid properly addressed wrapper in a post office under the exclusive care and custody of the United States Postal Service within the State of New York:

TO:

Matthew A. Sosnik, Esq.  
125-10 Queens Boulevard – Suite 15  
Kew Gardens, New York 11415  
(212) 744-9577  
Attorneys for Plaintiff

  
Gloria Zapata

Sworn to before me this  
22<sup>nd</sup> day of July, 2008



DENA M. SERRANO  
Notary Public, State of New York  
No. 01SE6042630  
Qualified in Kings County  
Commission Expires May 30, 2010



105592-J Randolph

il.c. 08 7/18/08 mw

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.: 30561/08  
Date Purchased: 6/26/08  
**SUMMONS**

ALMETA HOWELL

Plaintiff designates Bronx  
County as the place of trial.

Plaintiff(s),

-against-

The basis of venue is:  
Plaintiff Residence

MARRIOTT INTERNATIONAL D/B/A WESTCHESTER  
MARRIOTT

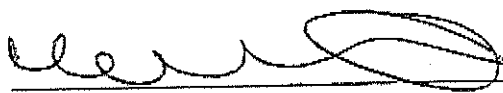
Plaintiff resides at:  
754 Bartholdi Street  
Bronx, NY 10467  
County of Bronx

Defendant(s).

To the above named Defendant:

**You are hereby summoned** to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Kew Gardens, New York  
June 18, 2008

  
MATTHEW A. SOSNIK  
The Law Office of Matthew A. Sosnik  
Attorneys for Plaintiff(s)  
ALMETA HOWELL  
125-10 Queens Boulevard, Suite 15  
Kew Gardens, New York 11415  
(212) 744-9577  
Our File No. 06-0030

TO:

MARRIOTT INTERNATIONAL  
670 White Plains Road  
Tarrytown, NY 10591

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

ALMETA HOWELL

Plaintiff(s),

-against-

MARRIOTT INTERNATIONAL D/BA WESTCHESTER  
MARRIOTT

Defendant(s).

Index No.:

Date Purchased:

**VERIFIED COMPLAINT**

Plaintiff, by her attorneys, **THE LAW OFFICE OF MATTHEW A. SOSNIK**, complaining  
of the Defendant, respectfully alleges, upon information and belief:

- DK1 1. That at the time of the commencement of this action, Plaintiff **ALMETA HOWELL**  
resided in the County of Bronx, State of New York.
- DK1 2. That the cause of action alleged herein arose in the County of Bronx, City and State of  
New York.
- Don't refer 3. That this action falls within one or more of the exemptions set forth in CPLR §1602.
4. That on December 2, 2005, and at all times herein mentioned, Defendant  
**MARRIOTT INTERNATIONAL** owned the premises located at 670 White Plains Road,  
Tarrytown, NY.
5. That on December 2, 2005, and at all times herein mentioned, the aforesaid premises  
were operated by Defendant **MARRIOTT INTERNATIONAL**.



6. That on December 2, 2005, and at all times herein mentioned, the aforesaid premises were managed by Defendant **MARRIOTT INTERNATIONAL**.

7. That on December 2, 2005, and at all times herein mentioned, the aforesaid premises were controlled by Defendant **MARRIOTT INTERNATIONAL**.

8. That on December 2, 2005, and at all times herein mentioned, the aforesaid premises were maintained by Defendant **MARRIOTT INTERNATIONAL**.

9. That at all times hereinafter mentioned, the Defendant **MARRIOTT INTERNATIONAL** repaired the aforesaid premises.

DK1 10. On December 2, 2005 Plaintiff **ALMETA HOWELL** was lawfully on the aforesaid premises.

DK1 and reber 11. That on December 2, 2005, Plaintiff **ALMETA HOWELL** was a lawful pedestrian at the above-mentioned location.

D 12. That on December 2, 2005, while Plaintiff was lawfully at the aforesaid location, Plaintiff was caused to slip and/or trip and fall and sustain severe and permanent injuries.

D 13. The above mentioned occurrence, and the results thereof, were caused by the negligence of the Defendant and/or said Defendant's agents, servants, employees and/or licensees in the ownership, operation, management, maintenance and control of the aforesaid premises.

S 14. That, upon information and belief, Defendant had actual notice of this defective condition for at least fifteen (15) days prior to December 2, 2005.

15. That no negligence on the part of the Plaintiff contributed to the occurrence alleged herein in any manner whatsoever.

S 16. That because of the above stated premises, Plaintiff **ALMETA HOWELL** was caused to sustain serious injuries and to have suffered pain, shock and mental anguish; that these

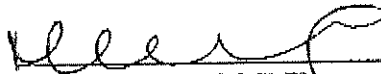
injuries and their effects will be permanent; and as a result of said injuries Plaintiff has been caused to incur, and will continue to incur, expenses for medical care and attention; and, as a further result, Plaintiff was, and will continue to be, rendered unable to perform Plaintiff's normal activities and duties and has sustained a resultant loss therefrom.

17. That by reason of the foregoing, Plaintiff **ALMETA HOWELL** was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, Plaintiff(s) demand(s) judgment against the Defendants herein, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: Kew Gardens, New York  
June 18, 2008

Yours, etc.



MATTHEW A. SOSNIK

The Law Office of Matthew A. Sosnik

Attorneys for Plaintiff(s)

ALMETA HOWELL

125-10 Queens Boulevard, Suite 15

Kew Gardens, New York 11415

(212) 744-9577

Our File No. 06-0030



STATE OF NEW YORK )  
COUNTY OF NEW YORK ) ss:

Gloria Zapata, being duly sworn, deposes and says:

That I am not a party to the within action, am over 18 years of age and reside in Brooklyn, New York.

That on 22<sup>nd</sup> day of July, 2008, deponent served the within **Notice of Removal** upon the attorneys/individuals listed below, at his/her/its addresses which were so designated by said attorneys for said purpose, by depositing a true copy of same enclosed in a post paid properly addressed wrapper in a post office under the exclusive care and custody of the United States Postal Service within the State of New York:

TO:

Matthew A. Sosnik, Esq.  
125-10 Queens Boulevard – Suite 15  
Kew Gardens, New York 11415  
(212) 744-9577  
Attorneys for Plaintiff

  
Gloria Zapata

Sworn to before me this  
22<sup>nd</sup> day of July, 2008



DENA M. SERRANO  
Notary Public, State of New York  
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Index No. 30561/08

Year 2008

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

ALMETA HOWELL,

Plaintiff,

- against -

MARRIOTT INTERNATIONAL d/b/a WESTCHESTER MARRIOTT,

Defendants.

## *Notice of Removal*

CAMACHO MAURO MULHOLLAND, LLP  
*Attorneys for Defendants*  
Marriott International d/b/a Westchester Marriott  
Empire State Building  
350 Fifth Avenue - Suite 5101  
New York, N.Y. 10118  
(212) 947-4999  
Our File No.: MRTTY-2066-A

To: \*\*\*  
Attorney(s) for \*\*\*

Service of a copy of the within \*\*\*  
Dated: \*\*\*

is hereby admitted.

.....  
Attorney(s) for \*\*\*

### PLEASE TAKE NOTICE

☐ that the within is a (certified) true copy of a \*\*\*  
entered in the office of the clerk of the within named Court on \*\*\*

### NOTICE OF ENTRY

☐ that an Order of which the within is a true copy will be presented for settlement to the Hon. \*\*\*  
one of the judges of the within named Court, at \*\*\* on \*\*\* at \*\*\*.

### NOTICE OF SETTLEMENT

Dated: New York, New York  
July 22, 2008

CAMACHO MAURO MULHOLLAND, LLP  
*Attorneys for Marriott International d/b/a Westchester Marriott*  
350 Fifth Avenue - Suite 5101  
New York, New York 10118